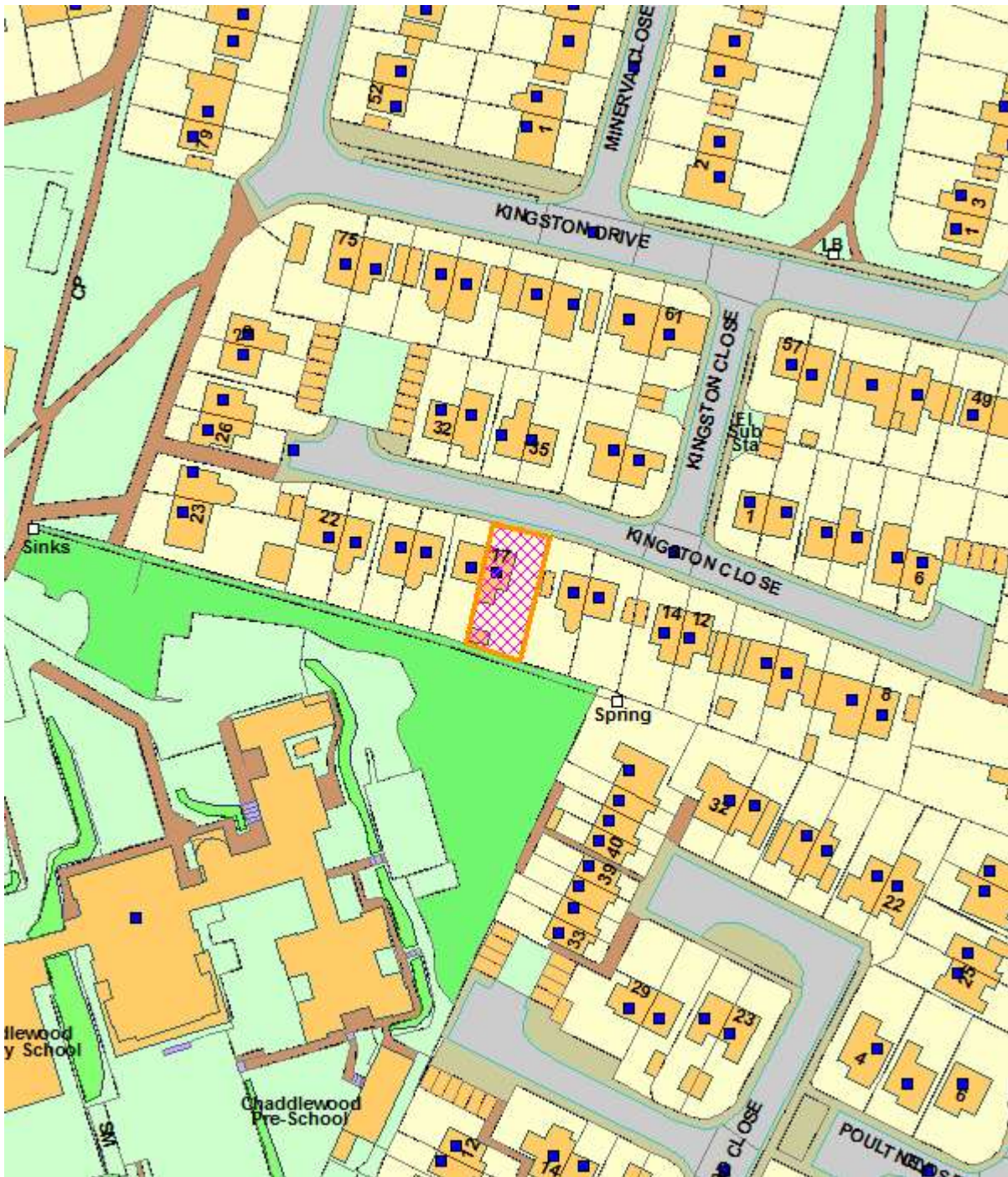


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	23/00785/FUL	<b>Item</b>	01
<b>Date Valid</b>	26.05.2023	<b>Ward</b>	PLYMPTON CHADDLEWOOD
<b>Site Address</b>	17 Kingston Close Plymouth PL7 2XA		
<b>Proposal</b>	Two-storey side extension		
<b>Applicant</b>	Miss Amy Neale		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	21.07.2023	<b>Committee Date</b>	20.07.2023
<b>Extended Target Date</b>	N/A		
<b>Decision Category</b>	PCC Employee		
<b>Case Officer</b>	Luke Valentine		
<b>Recommendation</b>	Grant Conditionally		



**This application comes before the Planning Committee as the applicant is an employee of Plymouth City Council**

**1. Description of Site**

17 Kingston Close is a two-storey semi-detached dwelling located in the Plympton Chaddlewood ward of the city.

**2. Proposal Description**

Two-storey side extension

**3. Pre-application Enquiry**

No pre application enquiry associated with this application.

#### **4. Relevant Planning History**

No relevant planning history.

#### **5. Consultation Responses**

No consultations requested.

#### **6. Representations**

None received.

#### **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application:

- o The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).

#### **8. Key Issues/Material Considerations**

1. This application has been considered in the context of the development plan, the Framework and other material policy documents as set out in Section 7.
2. This application turns upon policies: DEVI (Protecting health and amenity) and DEV20 (Place shaping and quality of the built environment) of the adopted Joint Local Plan.
3. The material planning considerations for this application are:
  - Design
  - Residential amenity

#### **Principle of Development**

4. Joint Local Plan policies indicate that the proposal is acceptable in principle.

#### **Negotiations Undertaken**

5. The original plans submitted were considered acceptable in-principle and the assessment has been based on the original plans.

#### **Visual Impact**

6. Officers have considered the visual impact of the development against the guidance in the SPD and consider it acceptable.
7. The proposal of a two-storey side extension with a dual-pitched roof is considered to be appropriately subordinate and visually in-keeping with the primary dwelling.
8. The proposal is approximately 3.6 metres in width, 5.2 metres in depth and 6.5 metres in height to the roof ridge, 4.9 metres to the eaves. The ridge of the proposal is stepped down from the ridge of the primary dwelling by approximately 1.6 metres. The proposal is set back from the front elevation of the existing dwelling by approximately 2.5 metres.

9. Materials are specified in the application and propose render walls and a concrete tiled roof matching the existing primary dwelling, aluminium bi-folding doors, and white uPVC double-glazed windows. Officers merit the decision to match the materials for the proposal to the existing dwelling.

10. Kingston Close is characterised by semi-detached dwellings with ad-hoc side extensions, predominantly consisting of single storey garages however there are examples of larger two-storey extensions.

11. The proposed setback of approximately 2.5 metres is sufficient so as to ensure that the extension is suitably subordinate to the primary dwelling and does not present a prominent or overbearing presence on the existing street scene. It is also noted that the eastern elevation of the proposal sits approximately 1.41 metres from the eastern boundary. Whilst the SPD, paragraph 13.41, recommends a gap of 1.5 metres, officers conclude that, when combined with the larger than recommended set-back, the risk of terracing has been appropriately mitigated.

12. Overall, officers conclude that from a design perspective, the plans do not conflict with policy DEV20 of the JLP.

#### Amenity

13. Officers have considered the impact on neighbouring amenity against the guidance in the SPD and consider it acceptable.

14. The development proposes a gap of less than approximately 12 metres between the neighbouring window and a blank facing wall. Furthermore, the proposal would sit within the 45 degree guideline of the small west facing window of the adjacent dwelling. However, the obscured window does not serve a habitable room and as a result, on consideration of the SPD, paragraphs 13.28 and 13.32, officers consider that the proposal does not result in an unacceptable loss of light or outlook to the neighbouring property.

15. The impact on the privacy of neighbours has been assessed by officers. Whilst the proposal's south facing window has the potential to overlook the neighbouring property's garden, officers consider that the use of a high window is sufficient to alleviate this concern. Officers have therefore concluded that the proposal would not result in unacceptable levels of overlooking.

16. To this end, officers have assessed the proposal and consider that the works are in accordance with DEV1 of the JLP.

#### Climate Emergency Considerations

17. Officers have assessed the submitted Climate Emergency Compliance Form. Given the scale of the works under this household planning application, mitigation measures should be proportionate to the scale of the development proposed. Officers consider that by the details as submitted are acceptable in this instance and support the decision to utilise naturally sourced materials.

### **9. Human Rights**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## **10. Local Finance Considerations**

N/A.

## **11. Planning Obligations**

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations not required due to the nature and size of proposal.

## **12. Equalities and Diversities**

This planning application has therefore had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

## **13. Conclusions and Reasons for Decision**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the new porch area accords with policy and national guidance (specifically JLP Policies DEVI and DEV20). The proposal is therefore recommended for conditional approval.

## **14. Recommendation**

In respect of the application dated 26.05.2023 it is recommended to Grant Conditionally.

## **15. Conditions / Reasons**

The development hereby permitted shall be carried out in accordance with the following approved plans:

### **1      CONDITION: APPROVED PLANS**

Proposed Plans and Elevations J534 - 15-01 received 26/05/23

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

### **2      CONDITION: COMMENCE WITHIN 3 YEARS**

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

### **3      CONDITION: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) (with or without

modification), no windows/dormer windows, other than those expressly authorised by this permission, shall be constructed.

Reason:

In order to protect the privacy enjoyed by neighbouring properties in accordance with Policy DEVI of the Plymouth and South West Devon Joint Local Plan (2014 -2034).

## **INFORMATIVES**

### **1 INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

### **2 INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

### **3 INFORMATIVE: PROPERTY RIGHTS**

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.